

so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, February 4, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 29, A bill to be entitled "An Act providing for the sale of all oil and/or gas in State prison lands by lease; creating a Board of Lease of State Prison Lands and prescribing the duties and powers of said board; prescribing the mode and manner of selling oil and gas in State prison lands and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expense of enforcing the Act; repealing all laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,  
Austin, Texas, February 4, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 13, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the latest approved tax rolls of the county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Westbrook. S. B. No. 13.

A BILL  
To Be Entitled  
An Act fixing the salary of the

county commissioners of certain counties according to the latest approved tax rolls of the county; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section. 1. In any county having taxable valuations of not less than nineteen million dollars, and not more than twenty million dollars; according to the latest approved tax rolls on file in the office of the State Comptroller, and also in counties having a taxable valuation of not less than seventeen million dollars and not more than eighteen million dollars according to said approved tax rolls, the annual compensation of each county commissioner shall be twenty four hundred (\$2400.00) dollars.

Sec. 2. The fact that in the classes of counties affected by this Act the compensation now provided by law for county commissioners is inadequate, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

## TWELFTH DAY.

Senate Chamber,  
Austin, Texas,  
February 5, 1930.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.

Woodul.

Woodward.

Absent—Excused.

Hardin.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Love:

S. B. No. 34, A bill to be entitled "An Act further regulating elections and primary elections; providing for a system of voting therein by the use of voting machines; making the adoption of such system optional in certain counties and mandatory in others; enacting all provisions necessary and incidental to the subject of this Act; and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Thomason:

S. B. No. 35, A bill to be entitled "An Act licensing drivers of motor vehicles; fixing fees and providing for forfeitures in connection therewith; defining offenses; prescribing penalties and enacting all regulations and provisions necessary and incidental to said subject; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Small:

S. B. No. 36, A bill to be entitled "An Act relating to the duties of the county board of trustees of the public schools of this State in all counties having a population of 710 and not more than 755 as shown by the last preceding census authorizing the said boards to subdivide their respective counties into convenient school districts; consolidate two or more adjacent districts; revise or re-arrange the boundaries of any district; attach territory thereto or detach

territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis as provided by general law; providing that the county board of each county affected by the provisions of this Act shall exercise the authority and perform the duties prescribed by the general law in so far as they are consistent with the provisions of this Act; repealing all laws in conflict therewith; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Stevenson:

S. B. No. 37, A bill to be entitled "An Act making an appropriation for the State Auditor's Department and directing the manner of spending same so as to effect improvements in the present system of accounting and bookkeeping in the various departments and describing duties of the State Auditor; and declaring an emergency."

Read first time and referred to Committee on Finance.

#### Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, February 5, 1930.

Hon Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 13, providing for a committee from the House and Senate to examine the abstracts of titles covering all State owned penitentiary lands.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 13.

The Chair laid before the Senate H. C. R. No. 13, providing for a Legislative committee to examine the abstracts of titles covering all State owned penitentiary lands.

The resolution was read.

Senator Pollard moved to refer the

resolution to the Committee on Penitentiaries. The motion prevailed.

**Simple Resolution No. 19b.**

Senator Cousins sent up the following resolution:

Whereas, Judge E. O. Sykes, vice-chairman of the Federal Radio Commission, has been a good friend to all Texas in the matter of radio disposition.

Whereas, Judge Sykes is dealing with a matter that is new and the position deserves the service of a

man of much experience as he has and since he is doing his best to solve all radio problems,

Be It Resolved, That the Senate of Texas indorse his faithful work as a public servant and ask that he be reappointed to this position.

COUSINS.

The resolution was read.

On motion of Senator Love, the resolution was referred to the Committee on Federal Relations.

**S. B. No. 1.**

The question recurred upon the amendment to S. B. No. 1.

**Executive Session.**

At 11:45 o'clock, the Chair announced that the hour for the executive session had arrived. The chamber was cleared and the doors were locked.

**After Executive Session.**

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,  
Austin, Texas, February 4, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be District Judge of the First Judicial District, Honorable G. E. Richardson of Jasper County.

To be a member of the State Library and Historical Commission, Miss Emma K. Burleson of Travis County.

To be Commissioner of General Land Office, J. H. Walker, Hill County.

To be Attorney General, Robert Lee Bobbitt, Webb County.

To be member of State Railroad Commission, Pat M. Neff, McLennan County.

To be member of Commission of Appeals, Section A, John H. Sharp, Ellis County.

To be member of Commission of Appeals, Section B, Joe Ryan, Bexar County.

To be District Judge, Seventh Judicial District, Gordon Simpson, Smith County.

To be District Judge, 46th Judicial District, W. N. Stokes, Wilbarger County.

To be District Judge 73rd Judicial District, Fred Stevens, Bexar County.

To be District Judge 84th Judicial District, E. J. Pickens, Hemphill County.

To be District Attorney 49th Judicial District, Jno. A. Valls, Webb County.

To be District Judge 111th Judicial District, R. D. Wright, Webb County.

To be District Judge 112th Judicial District, Joe Montague, Pecos County.

To be District Attorney Third Judicial District, T. B. Greenwood, Jr., Anderson County.

To be District Attorney 104th Judicial District, W. J. Cunningham, Taylor County.

To be District Attorney 112th Judicial District, Ed Y. Yarbrough, Reagan County.

To be members of the Board of Directors of Texas Technological College: Riley Strickland, Potter County; Roscoe Wilson, Lubbock County.

To be a member of the Board of Regents of the State Teachers Colleges, J. H. Hill, Potter County.

To be a member of the Industrial Accident Board, H. T. Kimbro, Lubbock County.

To be Chairman of the Industrial Accident Board, Earle P. Adams, Houston County.

To be Pilot Commissioners for Brazos River and Freeport Harbor:

E. C. Tobey, Brazoria County; Chas. Skinner, Brazoria County; Gilmer Dingle, Brazoria County; Percy Ben-croft, Brazoria County; C. J. Rogan, Brazoria County.

To be members of the State Board of Barber Examiners: Joe Chesnutt, Harris County; R. W. Johnston, Travis County; C. J. Adams, Dallas County.

To be member of Board of Regents of Texas College of Arts and Industries, R. C. Eckhardt, Kleberg County.

To be member of the Advisory Judicial Council, W. N. Chrestman, Dallas County.

To be members of the State Board of Education: Mrs. Noyes D. Smith, Travis County; Nat Washer, Bexar County; F. L. Henderson, Brazos County; Ben F. Tisinger, Dallas County; C. H. Chernosky, Harris County; J. W. O'Banion, Denton County; Tom Garrard, Lubbock County; Mrs. J. E. Watkins, Rusk County; T. E. Jackson, Dallas County; J. O. Guleke, Potter County.

To be members of the State Game, Fish and Oyster Commission: A. E. Wood, Travis County, Chairman; Caesar Kleberg, Kennedy County; M. L. Buckner, Dallas County; J. H. T. Bibb, Harrison County; Eugene Howe, Potter County; Gus F. Schreiner, Kerr County.

To be State Service Officer, Stayton M. Hankins, Childress County.

Respectfully submitted,

WILLIAMSON, Chairman.

Read and adopted.

#### Recess.

On motion of Senator Witt, the Senate, at 11:56 o'clock, recessed until 2:00 o'clock p. m.

#### After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

#### S. B. No. 1.

The question recurred upon S. B. No. 1.

Senator Witt moved to table the amendment. The motion prevailed by the following vote:

#### Yeas—15.

Beck.	Parrish.
Gainer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

#### Nays—10.

Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Martin.	Small.
Parr.	Wirtz.

#### (Pairs Recorded.)

Senator Cousins (present) who would vote nay, with Senator Hardin (absent) who would vote Yea.

Senator Love (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Senator McFarlane (present) who would vote nay, with Senator Williamson (absent) who would vote yea.

#### REASONS FOR VOTE.

I vote "yea" on the Wirtz amendment to S. B. No. 1 for the purpose of moving to reconsider the vote.

MILLER.

My reasons for supporting the majority report:

First: As a member of the Senate I authorized by my vote the appointment of a Legislative Committee to investigate and report to the Governor and the Legislature as to the best kind of prison plant to be established in Texas.

Second: I believe in a democracy where the majority rules, and am willing to abide by the majority's decision, and to defer to their superior knowledge, after having made the close study in Texas and out that they have.

Third: The location of the prison system is not a matter of sectionalism. It does not belong to East Texas, West Texas, North Texas nor South Texas, but should belong to all Texas. As it does belong to all Texas a central location would be economical and more desirable for many reasons not necessary to mention here.

Fourth: As a matter of conscientious conviction, I have voted for what I believe is not only for the interest of the good people of the Second District, by the grace of whose vote I was sent here, but for the interest of all of East Texas and the great Empire State.

NEAL.

Senator Witt sent up the following amendment:

Amend S. B. No. 1 by striking therefrom Section 18 and substitute the following:

"Section 18. The Prison Board shall immediately upon taking effect of this Act proceed to erect upon a suitable site on either the Imperial, Harlem, Ramsey or Darrington farm a modern fireproof central prison plant of sufficient size to house not less than five hundred (500) prisoners; which plant shall also provide for sufficient hospital facilities for the entire agricultural unit. Facilities shall also be provided as far as practicable for segregation, instructional and recreational activities. Modern camps shall be erected on the other farms as may be needed to care for a sufficient number of prisoners to properly cultivate the lands of said agricultural unit. There shall also be erected refrigeration, canning and processing plants, necessary to the caring for the products practicable to be grown and produced on said properties; and it shall be the duty of said Board to undertake to produce and process all food and dairy products needed for use by the prison system and the eleemosynary institutions. The Prison Board is also directed to proceed at once to the construction of gravel roads from the farms to the nearest hard surfaced highways.

"The Board is further authorized and directed to proceed at the earliest possible moment with the use of prison labor to the construction of proper levees to protect the said farms from overflow and to properly drain said properties and to that end and to the proper cultivation of said farms, said Board is authorized and directed to purchase the necessary tools, implements and equipment to carry out said above instructions.

"It is directed that the present housing facilities be retained, if

needed for that purpose, after the completion of the modern buildings, for the housing of prisoners while used in the levee and drainage of said properties.

"For the purpose of carrying out the building, levee, drainage and road construction program herein provided for, there is hereby appropriated available during the fiscal year ending August 31, 1930, the sum of one hundred thousand \$(100,000.00) dollars; and available during the fiscal year ending August 31, 1931, the sum of two hundred and fifty thousand (\$250,000.00) dollars."

The amendment was read.

Senator Thomason sent up the following amendment to the amendment:

Amend the amendment on last two lines by striking out the words Two Hundred Fifty Thousand and inserting in lieu thereof the words Four Hundred Thousand and add the following:

For the purpose of building permanent central buildings; hospital, refrigerating plant and canning factory to be located somewhere on present owned Prison land; said location to be determined by a Commission consisting of the Governor, Lieutenant-Governor, Speaker of the House and Attorney General.

THOMASON.

The amendment to the amendment was read.

#### Adjournment.

On motion of Senator Wirtz the Senate, at 5:06 o'clock p. m., adjourned until 10:00 o'clock tomorrow morning.

#### APPENDIX.

##### Petitions and Memorials.

Houston, Texas.

To the Senators and Representatives of the State of Texas at Austin.

Gentlemen: It is fair to presume that the best minds are assembled at Austin to use their intelligence for the best interests of the people of the State. An authorized board was selected and at heavy expense visited many states and inspected the different prison systems. It

would seem from them all a place and a plan could have been decided upon. You visit the different prisons here. You see outrage that is being done in proper quarters for safe and humane confinement—for segregation of the sexes and races. You adjourn to meet in the halls of the capitol—each man with own conclusions and determined to aid his locality. This has continued into years without results and the stigma remains. It would seem to the looker-on that a leading spirit, the Governor, Lieutenant Governor, Senate or House leader—I might dare to suggest Tom Love—to have each member come with a broad give and take mind, determined to secure results and it would be easy to reach a conclusion.

Very respectfully,

R. R. DANCY.

(Copy.)

Dallas Woman's Forum  
806 South Akard St.  
Dallas, Texas

February 2, 1930.

Hon Thomas B. Love, Austin, Texas.

Dear Sir: The Dallas Woman's Forum, an organization of five hundred women, wishes to voice its approval of the action of Governor Moody in calling a special session of the Legislature to consider reform for the antiquated and deplorable prison system of Texas.

The Forum as a body urges you as Senator from this district to use your influence and your vote to remedy the present evil conditions—not just a temporary remedy that will answer the minimum of need at the present, but a sweeping change on broad humanitarian lines that will provide for segregation, rehabilitation and above all, useful occupation.

Very respectfully yours,

MRS. M. W. CARROLL, JR.,  
Legislative Chairman.

Austin, Texas, February 5, 1930.

Hon. Barry Miller, Lieutenant Governor, and Members of the Texas Senate, Capitol Building.

Gentlemen of the Senate: Information has come to me that your honorable body has seen fit to confirm my appointment as Attorney General of Texas, along with a number

of other officials whose names were recently submitted to you in regular order.

It is gratifying to have this evidence of your approval in connection with a position of public trust. I wish to thank each of you for this evidence of your confidence and esteem.

While your action in so far as my particular case is concerned will doubtless also confirm the thought in some directions that the present is a "wild and reckless generation," nevertheless, I appreciate what you have seen fit to do in line with your duties as trustees of the people of Texas.

With assurance of my earnest desire to cooperate in all proper ways in any and all matters with which we may be in any way concerned, I beg to remain,

Very respectfully yours,

ROBERT LEE BOBBITT,  
Attorney General of Texas.

#### Committee Reports.

Committee Room.

Austin, Texas, February 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 22, A bill to be entitled "An Act providing for a county depository for trust funds in the possession of county and district clerks, providing the manner of selection and designation of same and paying out said funds and liability of depository for failure to pay checks drawn on said funds, requiring depositories to receive deposits of said funds and pay checks on same at the county seat, authorizing the commissioners' court to require a new bond of depositories, relieving county and district clerks from liability for said funds upon deposit of same in the depository, making the county liable for the loss of any funds placed in the depository, requiring county and district clerks having custody of money for more than three days deposited in court to abide the result of any legal proceeding to deposit same in the depository, providing manner of carrying accounts in the depository and withdrawing same, providing manner of holding trust funds in counties not having a de-

pository for trust funds, prescribing penalties for violation of the Act, declaring an emergency, and providing that same shall become effective February 10, 1931."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, February 5, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 24, A bill to be entitled "An Act amending Article 6954 of the Revised Civil Statutes of 1925, as amended, with reference to the mode of preventing horses and certain other animals from running at large, and enumerating the counties in which said Article shall apply; omitting from said article the following language: '\*\*\*provided that where there is an application to include an entire county there shall not be less than twelve free holders from each justice precinct of said county as signers to the petition for such election;' and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, February 4, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 30, A bill to be entitled "An Act amending Section 8 of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended, so as to provide for and regulate applications for parole; also amending Section 6 of said article as amended so as to make a convict eligible for parole even though he may have been previously convicted of a felony or felonies, and permitting that a person sentenced for a term not longer than one year shall

not come under this law, and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

McFARLANE, Chairman.

### THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

February 6, 1930.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodward.

Absent—Excused.

Greer.	Woodul.
Hardin.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 38, A bill to be entitled "An Act to amend Article 5440 of the Revised Civil Statutes of the State of Texas, adopted in 1925, authorizing the appointment of a State Librarian, defining the qualifications